



PUBLIC NOTICE

Federal Communications Commission
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**PLEADING CYCLE ESTABLISHED FOR INFLEXION COMMUNICATIONS'
PETITION FOR DECLARATORY RULING THAT INFLEXION'S EXTENDIP VOIP
SERVICE IS EXEMPT FROM ACCESS CHARGES**

WC Docket No. 04-52

COMMENTS DUE: April 7, 2004
REPLY COMMENTS DUE: April 22, 2004

On February 27, 2004, Inflexion Communications (Inflexion) filed a petition for declaratory ruling that its ExtendIP voice over Internet protocol (VoIP) service provided to underserved markets is exempt from access charges and may lawfully be provided over end user local services.¹ Inflexion asserts that its ExtendIP service provides customers in underserved markets with "Plain Old Telephone Service, plus more" and it therefore fits only in part within the functional test for telecommunications service in the *Stevens Report*.² Inflexion defines the underserved, or periphery, markets as "regions with an aggregate telephone density below the national average, low-income consumers, other authorized recipients of state or federal [universal service program] grants and discounts, and entities that in turn provide service to the target population."³ Inflexion says that it will deliver Internet Protocol connectivity to these markets through various methods, including free space optics, point-to-point and point-to-multipoint unlicensed wireless, coaxial cable, fiber, and dry copper.⁴ Inflexion seeks a declaratory ruling to clarify uncertainty that would deter Inflexion's investment in developing services for the underserved market.⁵

¹ Petition for Declaratory Ruling that Inflexion Communications' ExtendIP VoIP Service is Exempt from Access Charges at 2 (filed Feb. 27, 2004) (Inflexion Petition).

² Inflexion Petition at 3. *Federal-State Joint Board on Universal Service*, CC Docket No. 96-45, Report to Congress, 13 FCC Rcd 11501 (1998) (*Stevens Report*).

³ Inflexion Petition at 13.

⁴ Inflexion Petition at 3-4.

⁵ Inflexion Petition at 2.

Interested parties may file comments on or before **April 7, 2004**, and reply comments on or before **April 22, 2004**. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS) or by filing paper copies.⁶

Comments filed through the ECFS can be sent as an electronic file via the Internet to <http://www.fcc.gov/cgb/ecfs/>. Generally, only one copy of an electronic submission must be filed.⁷ In completing the transmittal screen, commenters should include their full name, U.S. Postal Service mailing address, and the applicable docket or rulemaking number. Parties may also submit an electronic comment by Internet e-mail. To get filing instructions for e-mail comments, commenters should send an e-mail to ecfs@fcc.gov, and should include the following words in the body of the message, "get form." A sample form and directions will be sent in reply. Parties who choose to file by paper must file an original and four copies of each filing.⁸

Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (although we continue to experience delays in receiving U.S. Postal Service mail).

The Commission's contractor, Natek, Inc., will receive hand-delivered or messenger-delivered paper filings for the Commission's Secretary at 236 Massachusetts Avenue, N.E., Suite 110, Washington, D.C. 20002. The filing hours at this location are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of before entering the building.

Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743.

U.S. Postal Service first-class mail, Express Mail, and Priority Mail should be addressed to 445 12th Street, SW, Washington, D.C. 20554.

All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

Parties are strongly encouraged to file comments electronically using the Commission's Electronic Comment Filing System (ECFS). Parties are also requested to send a courtesy copy of their comments via email to jennifer.mckee@fcc.gov.

Two (2) copies of the comments and reply comments should also be sent to Chief, Pricing Policy Division, Wireline Competition Bureau, Federal Communications Commission, 445 12th Street, SW, Room 5-A221, Washington, D.C. 20554. Parties shall also serve one copy

⁶ See *Electronic Filing of Documents in Rulemaking Proceedings*, GC Docket No. 97-113, Report and Order, 13 FCC Rcd 11,322 (1998).

⁷ If multiple docket or rulemaking numbers appear in the caption of a proceeding, however, commenters must transmit one electronic copy of the comments to each docket or rulemaking number referenced in the caption.

⁸ If more than one docket or rulemaking number appear in the caption of a proceeding, commenters must submit two additional copies for each additional docket or rulemaking number.

with Qualex International, Portals II, 445 12th Street, SW, Room CY-B402, Washington, D.C. 20554, (202) 863-2893, or via email to <qualexint@aol.com>.

Documents in WC Docket No. 04-52, including the Inflexion Petition, are available for public inspection and copying during business hours at the FCC Reference Information Center, Portals II, 445 12th St. SW, Room CY-A257, Washington, DC 20554. The documents may also be purchased from Qualex International, telephone (202) 863-2893, facsimile (202) 863-2898.

This matter shall be treated as a “permit-but-disclose” proceeding in accordance with the Commission’s *ex parte* rules.⁹ Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentations must contain summaries of the substance of the presentations and not merely a listing of the subjects discussed. More than a one or two sentence description of the views and arguments presented generally is required.¹⁰ Other rules pertaining to oral and written *ex parte* presentations in permit-but-disclose proceedings are set forth in section 1.1206(b) of the Commission’s rules.¹¹

For further information, contact Jennifer McKee of the Pricing Policy Division, Wireline Competition Bureau at (202) 418-1530.

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⁹ See 47 C.F.R. §§ 1.1200, 1.1206.

¹⁰ See 47 C.F.R. § 1.1206(b).

¹¹ 47 C.F.R. § 1.1206(b).